

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, October 15, 2007 7:00 p.m.

Animal Control

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The Catawba County Board of Commissioners met in regular session on Monday, October 15, 2007 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Commissioners Dan Hunsucker, Lynn M. Lail and Glenn E. Barger.

Also present were County Manager J. Thomas Lundy, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Vice-Chair Barbara G. Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn E. Barger offered the invocation.

4. Commissioner Dan Hunsucker made a motion to approve the minutes of the Regular Meeting of October 1, 2007. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed Reginald Hamilton from the Hickory School Board and Boy Scout Troop 333 who was working on their citizenship and communications badges.

As well as recognizing special guests, Chair Barnes noted the Board had held a retreat starting at 8:00 a.m. on this date and had adopted the goals for the Board of Commissioners for Fiscal Year July 1, 2008 – June 30, 2009. She asked that these goals be reflected in the minutes of this meeting:

1. Continue to develop strategies to create jobs.
  - a. Facilitate an analysis of skill sets missing in the workforce and insure that corresponding training and re-training is available and accessible.
  - b. Continue to invest in the County's quality of life, infrastructure (e.g., water and sewer, multi-jurisdictional park) and other necessary incentives to attract jobs.
  - c. Continue to insure that critical transportation needs are championed to the North Carolina Department of Transportation.
2. Continue to support K through 12 educational opportunity.
3. Build on the success of Catawba Valley Community College, the Hickory Metro Higher Education Center and the NC Center for Engineering Technology.
4. Support a greater presence of the State University system.
5. Begin implementation of a parks master plan with an initial priority of preparing to develop the Mountain Creek park in the southeastern portion of the county in FY 2009-2010.
6. Comments for Items not on the Agenda.

Mr. Michael Roth from Terrell came forward to request the Board consider several issues regarding the compassionate treatment of animals. He asked that the Board consider: (1) implementing a no chain law; (2) directing the Emergency Services Director to research the Federal guidelines regarding the ability of citizens to bring their pets to shelters utilized during a disaster, such as Hurricane Katrina and (3) publicly opposing the slaughter of horses and the transporting of horses to states or countries that do slaughter horses.
7. Public Hearing:

Jacky Eubanks, Planning Director, came forward to present a rezoning request from Mr. Darren and Ms. Melanie Dickinson to rezone two parcels totaling 1.93 acres, located at 3628 Highway 127 South in the Mountain View Small Area Planning District, from R-20 Residential to HC Highway Commercial. The subject parcels are presently vacant. Adjacent parcels to the north, south and east are zoned R-20 and occupied by single-family residences. One parcel to the west is zoned R-20 and occupied by a single-family residence, while another parcel to the west is zoned HC Highway Commercial and occupied by a business.

Public water is available, but public sewer is unavailable. Highway 127 South is designated as a major thoroughfare in the Catawba County Transportation Plan, defined as a primary traffic artery of an urban area designed to move traffic from city to city and within urban areas. Average daily traffic counts measured at this location in 2005 numbered 12,000 vehicles. The capacity of this particular section of Highway 127 is estimated at 12,000 to 14,000 vehicles per day.

The Catawba County Unified Development Ordinance (UDO) states that the HC Highway Commercial District, "provides areas for regional highway-oriented business, office, services and civic uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting uses and building forms that are compatible with the surrounding area". The combined total of the property proposed for rezoning is 1.93 acres in size. The HC Highway

Commercial District would permit a maximum non-residential floor area ratio of 1:3, which calculates into 0.64 acre, or 27,878 square feet of total floor area (rounding was used). This property is also located in a WS-III Watershed, which provides that the maximum built upon area for the 1.93 acres is 24 percent or 0.46 acres (20,037 square feet).

The Mountain View Small Area Plan serves as the current land use plan for this area and indicates that the subject properties are inside a future highway corridor. County staff recommended the rezoning of the properties from R-20 Residential to HC Highway Commercial based on: (1) the Mountain View Small Area Plan recognizing the parcels as being in a future highway corridor; (2) the purpose of the HC Highway Commercial District; and (3) the close proximity of existing HC Highway Commercial parcels in relation to the subject parcels.

The Catawba County Planning Board conducted a public hearing on September 24, 2007. With the exception of the applicant, no one spoke regarding this request. The Planning Board voted unanimously to recommend this rezoning based on the issues cited above in the staff recommendation.

Chair Barnes noted the public hearing had been duly advertised and opened the floor for anyone wishing to speak for or against the rezoning.

Mr. Darren Dickinson of 1684 Dickinson Road, Hickory, came forward to speak to the Board about his request during the Board of Commissioners' public hearing. He stated he planned to build a nice automotive garage. No one came forward to oppose the request. Chair Barnes then closed the public hearing and Commissioner Barger made a motion to approve the rezoning request. The motion carried unanimously. The following ordinance and consistency statement were adopted:

**Ordinance No. 2007-\_\_\_\_\_**

**AMENDMENT TO THE CATAWBA COUNTY ZONING MAP**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS**, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-20 Residential to Highway Commercial (HC).

The two parcels totaling 1.93 acres located at 3628 S NC 127 HWY in the Mountain View Small Area Planning District, Hickory Township, and further identified as Parcel Identification Numbers 2790-05-18-7990 and 2790-05-18-8810.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Mountain View Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Mountain View Small Area Plan.

This, the 15<sup>th</sup> day of October 2007.

**ZONING MAP AMENDMENT CONSISTENCY STATEMENT AND RECOMMENDATION**

On October 15, 2007 the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment for Darren and Melanie Dickinson (Case #R2007-15).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be consistent with the Mountain View Small Area Plan and approves the zoning map amendment. This approval was affirmed by a vote of 5 - 0 of the Catawba County Board of Commissioners.

8. Appointments.

Chair Barnes recommended the reappointment of Jeffrey Bronnenberg to a second term on the Alcohol Beverage Control Board. This term will expire 8/31/2010. Chair Barnes also recommended the appointment of Barbara Beatty for a first term to replace John Ervin on this Board. Commissioner Beatty's term will expire 10/5/2010.

Vice-Chair Beatty recommended the reappointment of Laban Helderman for a first term and Glenn Hunsucker for a second term on the Catawba County Board of Adjustment. These reappointments will expire 11/30/2010. Vice-Chair Beatty also recommended the appointment of Robert Eades to replace David Hood for an unexpired term as an alternate on this Board. Mr. Eades' term would expire 11/30/09.

Commissioner Lail recommended the appointment of Chris Bates for a first term to the Nursing and Rest Home Community Advisory Committee to replace Pat Jones who is no longer serving on this Board. This initial appointment is for one year and will expire on 10/01/08.

These recommendations came in the form of motion and the motion carried unanimously.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the following three items on the consent agenda:

a. A second reading, the Board approved an amendment to the County Code, Chapter 2, Administration, Division 4, to reflect the Board of Commissioners' actual practice in the appointment of members of the Board of Trustees of Catawba Valley Medical Center. Since only four commissioners were present at the Board's October 1, 2007 meeting and State statutes require that all Board members be present to adopt an ordinance, the final adoption of this amendment could not take place until a second reading was conducted. Historically, the Hospital's Board of Trustees would submit two names, per vacancy, to the Board of Commissioners, which would then appoint one of the two individuals to fill the vacancy. In practice, this changed in the early 1990s, when the Hospital Board of Trustees began submitting one name per vacancy for the Board of Commissioners' consideration. The hospital's attorney and the County Attorney agreed to this change in 1994, however, corrected language to reflect this change in the code was never presented to the Board of Commissioners. The Hospital's Board of Trustees had also previously carried a separate surety bond for its treasurer. For many years, Catawba Valley Medical Center has maintained a surety bond which includes the activities of the Board of Trustees' treasurer. The proposed changes to the County Code, Chapter 2, would reflect both the change in practice whereby the Hospital Board of Trustees submits one name per vacancy for the Board of Commissioners consideration and the fact that the hospital now maintains a surety bond that includes the activities of the Board of Trustees' treasurer.

b. A request from the City of Hickory to amend the current list of Map Review Officers and adopted a resolution to include Sandy Trevathan on this list. On July 17, 1997, the North Carolina General Assembly ratified Senate Bill 875, the Maps and Plats Law. This law requires all counties to appoint Review Officers who would review each plat or map before it is recorded and certify that it meets the statutory requirements for mapping. The law states that individuals have to be appointed by name, not by job title, so any time a change occurs in staffing, a new Review Officer has to be appointed and approved by resolution of the Board of Commissioners and subsequently recorded in the Register of Deed's Office. The City of Hickory officially requested that Sandy Trevathan be added to the list of Map Review Officers. The resolution read as follows:

**RESOLUTION #2007 -**  
**APPOINTMENT OF MAP REVIEW OFFICERS**

**WHEREAS**, S.L. 1997-309 (SB875) made a number of significant changes in the procedures for recording maps and plats; and

**WHEREAS**, the main purpose of the law was to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

**WHEREAS**, G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person or persons to serve as Review Officer to review each plat or map before it is recorded and certify that it meets the statutory requirements for recording; and

**WHEREAS**, it is the desire of the Catawba County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording; and

**WHEREAS**, the Catawba County Board of Commissioners on September 30, 1997 adopted Resolution #1997-160 which included names of individuals who were appointed as Review Officers for representative jurisdictions in Catawba County; and

**WHEREAS**, said Resolution was recorded in the Office of the Register of Deeds in Book 2050 Pages 604 and 605 and amended resolutions were subsequently recorded; and

**WHEREAS**, the City of Hickory has requested that Sandy Trevathan be added to the list of Map Review Officers.

**NOW THEREFORE BE IT RESOLVED** that Sandy Trevathan has been added to the list of Map Review Officers;

**BE IT RESOLVED** that the comprehensive list of Map Review Officers is as follows:

Catawba County:	Jacky M. Eubanks, Mary K. George, Susan Ballbach, Chris Timberlake and Michael Poston
City of Hickory:	Brian Frazier, Cal Overby, Donna Cullum, Sandy Trevathan, Brendon Prichard and John Furnage
City of Newton:	Glenn J. Pattishall, Alex S. Fulbright and Ben McCrary
City of Conover:	Q. Lance Hight and Cara C. (Chris) Reed
City of Claremont:	Laurie LoCicero
Town of Long View:	David Epley and Charles T. Mullis
Town of Maiden:	Kevin Sanders and Samuel Schultz
Town of Catawba:	John Kinley and Jonathan Kanipe
Town of Brookford:	Marshall Eckard

**BE IT RESOLVED**, that the Map Review Officers for Catawba County have the authority to sign for maps in the municipal planning jurisdictions when there is a staff transition; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution designating Review Officers be recorded in the Catawba County Register of Deed's Office and indexed in the names of the Review Officers.

Adopted this the 15th day of October 2007.

c. A request for the Board to accept a report from the Department of Social Services documenting fees collected for fiscal year 2006-2007 under North Carolina General Statute 108A-10. To help cover costs associated with providing certain services, Social Services collects various minimal fees from the public. These fees are regulated by governmental statutes and/or have been approved by the Board of Social Services. In fiscal year 2006-2007, Social Services collected the following fees: Trust Accounts, \$5,876.11; Family NET, \$46,720; Adoption Fees (Net) \$5,406.25; CAP In-Home, \$684.60; NC Health Choice, \$37,550; Child Support, \$6,157.79, for a total of \$102,394.75. Also reported was an additional \$33,232.08 received from Home Care Community Block grant funds from the State of North Carolina.

Commissioner Lail made a motion to approve the consent agenda. The motion carried unanimously.

10. Departmental Report.

Utilities and Engineering:

Jack Chandler, Public Services Administrator, came forward to present a request for the Board to approve the purchase of two parcels containing a total of 5.17 acres, contiguous to the Blackburn Landfill, and a budget revision in the amount of \$290,000 to appropriate funds for the purchase and associated costs. All costs will be paid from the Solid Waste Enterprise Fund, which is funded with solid waste tipping fees and contains no tax proceeds.

In August 2006, Mr. and Mrs. Reid Lynch approached Utilities and Engineering Department staff concerning the County's interest in purchasing two parcels of land, totaling 5.17 acres and located on the north side of Rocky Ford Road. A preliminary assessment of the parcels determine that this property would allow the County to obtain approximately 170,000 cubic yards of clay and soils needed at the landfill, valued at \$232,500. This same volume of soils would cost an estimated \$1,020,000 if obtained off site and transported to an on-site stockpile.

Acquiring the Lynch property will provide permanent access from Rocky Ford Road for future sites within the County's EcoComplex and for other industrial businesses, allowing the County to avoid having to obtain permits from the US Army Corps of Engineers and NC Division of Environment and Natural Resources to place a culvert across a stream, and avoid \$64,300 in additional costs to build an access road to cross the stream. After the County removes soils for landfill activities, this property would be ideal for locating a steam energy user, such as a brick and pottery economic development prospect currently discussing the possibility of becoming a component of the EcoComplex.

The value of the property to Catawba County has been estimated at \$282,341.75. The negotiated purchase price with Mr. and Mrs. Lynch was \$265,000. During a closed session on September 4, 2007, the Board of Commissioners directed staff to proceed with obtaining a signed Offer to Purchase and Contract from Mr. and Mrs. Lynch. That contract has been signed, with the closing to be held on or before October 31, 2007. Mr. and Mrs. Lynch will have the option to lease a house and premises located on one parcel, rent free, for a period of six months from the date of closing. If, after six months, the Lynches wish to remain in the house, they will have the option to continue leasing the house and properties at the rate of \$800 per month on a month to month basis. County Manager Lundy questioned the need for this month to month lease to have certain conditions and it was agreed that the following condition would be included in the proposed lease agreement: after the initial six month period, the County may issue a 30-60 day notice that it intends to fully use the property, requiring that the property be vacated after the notice period ended.

County Manager Lundy explained to the Boy Scouts present that Catawba County recycles – it is actually the 3<sup>rd</sup> highest of the North Carolina's 100 counties in recycling. He went on to explain what wasn't recycled has to go into the landfill and the County needs land to either bury the garbage or to meet the state requirement that it be covered everyday with dirt – so it is important for the County to have soil for that purpose. He pointed out that through the stewardship of the Commissioners and their foresight, land has been purchased and the site was going to be available for solid waste for the next 60 years.

Vice-Chair Beatty made a motion to approve the purchase and lease with the conditions set forth above.

11. Other Items of Business.

Vice-Chair Beatty presented a motion for the Board to approve the waiver of the normally charged solid waste tipping fees (estimated to be between \$39 and \$117 in this case) for cleanup of debris resulting from a second arson fire at the Balls Creek Campground. The arson fire destroyed 9 tent structures at the Campground on Buffalo Shoals Road on September 14, 2007. GDS had donated two full size dumpsters for the cleanup effort. This was presented in the form of a motion and the motion carried unanimously.

12. Attorneys' Report. None.
13. Manager's Report. None.
14. Chair Barnes adjourned the meeting at 7:40 p.m.

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Katherine W. Barnes, Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk